

FILED

CERTIFIED TRUE COPY

JAN 31 2002

BOARD OF PHARMACY

JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, Fifth Floor  
124 Halsey Street  
P. O. Box 45029  
Newark, New Jersey 07101  
Attorney for State Board of Pharmacy

By: Marianne W. Greenwald  
Deputy Attorney General  
Tel. (973) 648-4876

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

DEXTER BURTON R.P.

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of a request for reinstatement of respondent's license to practice pharmacy. (See prior Board Orders filed April 14, 1994 and June 14, 1995 attached hereto and made a part of this Order).

Respondent appeared before the Board of Pharmacy on November 28, 2001 and testified as to his past chemical dependence and his present course of rehabilitation. Respondent continues to

(DB)

*counseling with PHP staff*

participate in an out patient ~~rehabilitation program~~ and is subject to urine drug screens two times per week.

Respondent having satisfied the Board that he intends to continue treatment, and it further appearing that the parties wish to resolve this matter without the necessity of further formal proceedings and for good cause shown,

IT IS THEREFORE ON THIS *31st* DAY OF *January*, 200*2*,

ORDERED:

1. The license of Dexter Burton, R.P., to practice pharmacy in the State of New Jersey is hereby reinstated to a probationary status.
2. Respondent shall be on probation for a period of two years subject to compliance with paragraphs 3 through 15 herein. If respondent violates any of the provisions of paragraphs 3 through 15 herein, the Board may initiate proceedings to revoke his probationary status and to actively suspend or revoke his license to practice pharmacy.
3. Initially, upon reinstatement, respondent shall complete 500 hours practicing under the immediate, personal supervision of a Board approved preceptor and shall cause the Board to receive an acceptable extern log maintained by him for the duration of the practicum.
4. Thereafter, upon notification from the Board that the log is acceptable, respondent may begin practice of pharmacy

but shall not be a pharmacist-in-charge or a permit holder of any pharmacy in this State during the entire period of probation.

5. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of a report of a confirmed positive urine or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

6. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false. In any such proceeding respondent shall have the burden of proof to establish such positions.

7. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire <sup>two (2)</sup> ~~three (3)~~ year period. Testing shall be performed two (2) times per week for the first six months and one (1) time per week for the remaining 18 months of probation. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

8. The result of all tests shall be reported directly to Deborah Whipple, Executive Director of the Board or her successor, or her designee in the event she is unavailable. The Board may at any time alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

9. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physicians's report.

10. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

11. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.

12. Respondent shall give written notice to the Board prior to beginning any job and prior to any change in employment.

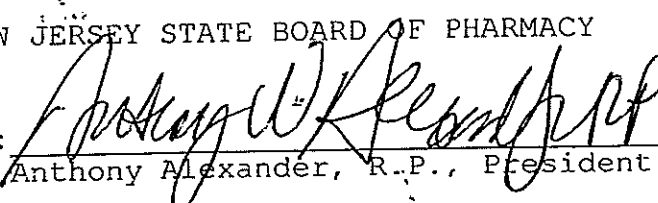
13. In connection with any job in which respondent has access to controlled dangerous substances, he shall disclose his prior drug problem to his employer and serve a copy of the within Order on his employer. Respondent shall cause the Board to receive a letter acknowledging the employer's receipt of the notice required by this paragraph.

14. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes, medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent is to serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

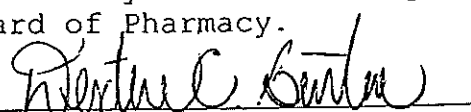
15. At any time during the probation period, the Board may require the appearance of respondent at a meeting for a status conference.

NEW JERSEY STATE BOARD OF PHARMACY

By:

  
Anthony Alexander, R.P., President

I have read the within Order and I understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

  
Dexter Burton, R.P.